PB-217 736

DIGEST OF VIRGIN ISLANDS WATER POLLUTION CONTROL LEGISLATION

Public Health Service
Washington, D.C.

September 1958

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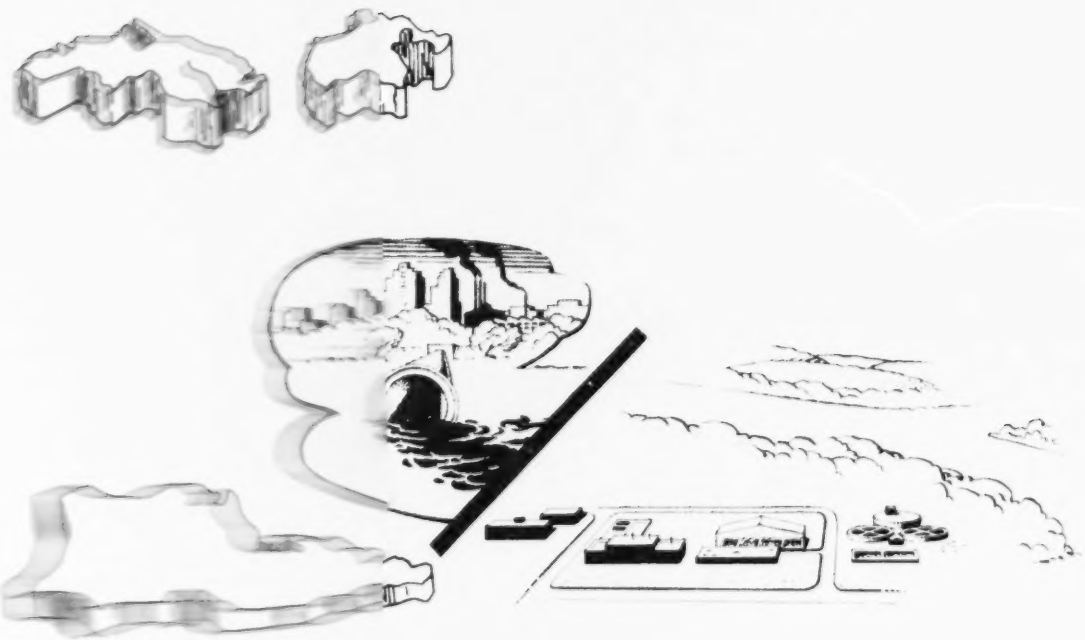

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Section 3 of the Federal Water Pollution Control Act (33 U.S.C. 466b) directs the Public Health Service to "encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution."

This Digest is one of a series prepared by the Public Health Service as a service to the States and others interested in these objectives. Cooperation of State officials in the preparation of these digests is gratefully acknowledged.

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I. GENERAL STATEMENT

The Department of Health in the Virgin Islands has the primary responsibility of controlling water pollution. In carrying out such responsibility, it exercises general supervision and control over the Island's water supply and sewage disposal (Title 3, sec. 418(7)).[1/]

The Department of Public Works enforces and administers all regulations and laws covering the use of the water supply system and the sewage disposal system, among other things (Title 3, sec. 138(2)(5)).

The Commissioner of Public Works is authorized, during periods of drought, to make available for sale, water from the potable water supply system, for private, commercial and industrial purposes. It is illegal for anyone to use water from public hydrants for construction purposes of any kind without special permission of the Commissioner (Title 30, sec. 70).

The potable water supply systems of the Virgin Islands are constructed, maintained, operated and administered under the supervision and control of the Commissioner of Public Works, in accordance with rules and regulations issued by the Governor (Title 30, sec. 51).

II. ADMINISTRATIVE ORGANIZATION

Department of Health

1. Organization

The Department of Health is one of the executive departments in the Government of the Virgin Islands, and is headed by a Commissioner of

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1/ Citations in this digest refer to the Virgin Islands Code Annotated, unless otherwise indicated.

Health (Title 3, secs. 411, 412). Within the Department there is a Board of Health whose duty it is to advise the Commissioner, among other things, on harbors requiring pollution studies (Title 3, sec. 417).

2. Powers and duties

a) General powers

The Department exercises general control over the enforcement of laws and regulations relating to the health of the people and, among other things, recommends rules and regulations governing the operation of public water supplies (Title 3, sec. 418(5)(7)).

b) Issuance of permits

Before anyone can construct a pit privy, surface privy, or a water carriage sewer system he must obtain a permit from the Commissioner of Health (Title 19, sec. 1401).

c) Conduct of studies, investigations and research

The Commissioner, among other things, is authorized to determine the types of wastes that can be discharged into the public sewer system, giving consideration to the type of sewer lines available, and establish methods of testing the quality and quantity of wastes flowing into the public sewer system (Title 19, sec. 1522(2)).

The Commissioner also periodically inspects the ice manufacturing plants and the water supply of all public places and takes for analysis samples of the water from which ice is made or which is used in the preparation of food or drink for sale. When water is found to be contaminated, the Commissioner may order the water chlorinated or have the water chlorinated at the expense of the ice manufacturer or other party concerned (Title 19, sec. 1403).

d) Administrative powers

The Commissioner is authorized to make rules and regulations, subject to the approval of the Governor, which, when so approved, have the force and effect of law (Title 19, secs. 1404, 1522(3)). The Commissioner is empowered to enter at all reasonable times upon all properties in order to make inspections or tests necessary to secure the enforcement of the laws and the rules and regulations relating to sewage disposal (Title 19, sec. 1525).

III. MISCELLANEOUS STATUTORY PROVISIONS RELATING TO WATER POLLUTION

It is unlawful for anyone to place into any canal, well, cistern, ditch, flume or reservoir, any rubbish or filth. Violation is punishable by a fine of not more than $200.00 or imprisonment for not more than 1 year, or both (Title 14, sec. 1264).

No one is permitted to throw overboard from any vessel the ballast thereof within any port, harbor or cove. Violation carries a fine of $200.00 and/or imprisonment for not more than 1 year (Title 14, sec. 1422).

No one is permitted to discharge waste water from kitchen or bath into the public gutter from a building or premises which is connected to the sanitary sewer; nor may the contents of a cesspool or septic tank be allowed to flow into the public gutters (Title 19, sec. 1402).

No person can sell or distribute ice made from impure, contaminated, or polluted water (Title 19, sec. 1403).

No owner of a dwelling or building is permitted to maintain any pit, privy, privy vault, cesspool or night soil can for the purpose of receiving organic waste wherever connection can be made to the public

sewer system (Title 19, sec. 1523(a)).

The owner of any building occupied for habitation, commercial purposes or as a place of private or public assembly, must within 12 months after notification by the Commissioner and at such owners's expense, install such water closets, lavatories, sinks and bath tubs as may be required by rules and regulations issued under this chapter. He must also install a connecting line between any such fixtures or existing sanitary fixtures located in the said building and the public sewer system (Title 19, sec. 1523(b)).

The installations provided for in section 1523 are not required unless a public sewer runs parallel to and in the same street within 60 feet of the owner's property line, and unless connection with the salt water system can be obtained within 200 feet of such site. The Commissioner determines the practicability of making any such connection. Owners of properties assessed at not more than $1000.00 for real property tax purposes are not required to install sanitary facilities and connect their premises to the public sewer lines (Title 19, sec. 1524).

Water in any container or well is considered polluted so as to be injurious to health when:

(1) Any dead reptile, bird, or mammal is found therein;

(2) Any excessive amount of fungi, vegetable matter or sediment is found therein; or

(3) On analysis, the water is found to have an excessive bacteriologic or chemical content (Title 30, sec. 66).

No one is permitted to throw filth or refuse into, or otherwise pollute, any rain water container or well (Ibid).